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CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY: CP DEPUTY

Attorneys for Plaintiff
United States of America

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

IN THE MATTER OF THE SEARCH OF GALLOWAY PHARMACY 2995 NATIONAL AVENUE SAN DIEGO, CALIFORNIA	) Case No. 08MJ0696)) MOTION TO EXTEND 10-DAY TIME) PERIOD TO RETURN COMPUTER) EQUIPMENT

COMES NOW the plaintiff, UNITED STATES OF AMERICA, by and through its counsel, Karen P. Hewitt, United States Attorney, and Timothy F. Salel, Assistant United States Attorney, and hereby moves to extend the 10-day period within which the agents are required to return one external hard drive and five compact discs associated with the external hard drive that were seized from Galloway Pharmacy. The Affidavit of Special Agent Brett O'Connor in Support of Extension of the 10-day Time Period To Return the Computer Equipment is attached hereto and incorporated by reference.

DATED: March 14, 2008.

Respectfully submitted,

KAREN P. HEWITT
United States Attorney

TIMOTHY F. SALEL
Assistant U.S. Attorney

CR

AFFIDAVIT IN SUPPORT OF EXTENSION OF THE 10-DAY TIME PERIOD TO RETURN COMPUTER EQUIPMENT

UNITED STATES OF AMERICA)
) **SS**
SOUTHERN DISTRICT OF CALIFORNIA)

I, Brett O'Connor, being duly sworn, hereby depose and say:

1. I make this affidavit in support of an application for an extension of the 10-day time period within which to complete the mirror imaging or copying of one external hard drive and five compact discs associated with the external hard drive.

2. On March 6, 2008, Special Agents of the United States Drug Enforcement Administration ("DEA") executed search warrants and seized computers and computer equipment from four residences and three pharmacies - Galloway Pharmacy, Park Boulevard Pharmacy, and White Cross Drug Store. The seized computer and computer equipment consist of 14 total exhibits including computer towers, laptops, hard drives, and compact discs. The affidavits in support of the search warrants provide that:

> All seized computers shall be returned to the defendants or the defendant's agent within 10 calendar days. If agents need more time than 10 days to complete the mirror imaging, the Government will seek from the Court an extension of time within which to return the applicable devices and/or equipment.

3. On March 14, 2008, the DEA Field Division received 12 of the 14 exhibits and agents are in the process of returning the computers and computer equipment to the defendants or their respective defense counsel. However, the DEA Digital Laboratory has been unable to timely image and return one external hard drive and five compact discs associated with the external hard drive that were seized from Galloway Pharmacy because the DEA Digital Laboratory had to order a part in order to image the external hard drive and five associated compact discs.

4. The DEA Digital Laboratory has completed the imaging of the external hard drive and five associated compact discs and will return the items during the week of March 17, 2008. Once received, agents will return the external hard drive and five associated compact discs to Galloway Pharmacy.

I declare under penalty of perjury that the foregoing is true and correct.

BRETT O'CONNOR
Special Agent
Drug Enforcement Administration

Sworn to and subscribed before me
this 14th day of March, 2008.

HONORABLE CATHY ANN BENCIVENGO
United States Magistrate Judge